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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,044	08/02/2001	Lewis S. Ostrover	3053-040	7636
22440	7590	12/01/2005	EXAMINER	
GOTTLIEB RACKMAN & REISMAN PC 270 MADISON AVENUE 8TH FLOOR NEW YORK, NY 100160601			NGUYEN, HUY THANH	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/921,044	OSTROVER, LEWIS S.	
	Examiner	Art Unit	
	HUY T. NGUYEN	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-32 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: ____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/2/01, 1/6/03, 8/11/05, 12/19/03</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: ____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,2, 21,22 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Engle (6,236,801).

Regarding claims 1 and 21 ,Engle discloses an apparatus for allowing a viewer to assign content codes to scenes in an audiovisual program comprising: a device for playing the program and provided with a scene indicator (a display) to identify a new scene (column 8, lines 29-68); a content selector having a viewer input for generating a content code for a scene; and a memory for storing content codes associated with respective scenes (column 8, line 29-40).

Regarding claims 2,22 and 32 , Engle further teaches the apparatus of claim 1 wherein said memory stores data relating to the beginnings and endings of scenes together with respective content codes (column 9, lines 1-40).

3. Claims 1, 2,11,21,22 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Shore e al (5,760,767).

Regarding claims 1 and 21 ,Shore discloses an apparatus for allowing a viewer to assign content codes to scenes in an audiovisual program comprising: a device for playing the program and provided with a scene indicator (a display) to identify a new scene (Fig. 5, column 7, lines 35 to column 8, line 37);

a content selector having a viewer input for generating a content code for a scene; and

a memory for storing content codes associated with respective scenes (column 8, lines 1-37).

Regarding claims 2, 22, and 32 , Shore further teaches the apparatus of claim 1 wherein said memory stores data relating to the beginnings and endings of scenes together with respective content codes (column 8 lines 1-15).

Regarding claim 11, Shore further teaches the apparatus of claim 1 further including a timer to indicate the time left before the end of the scene (Fig. 3, column 8, lines 1-15).

4. Claims 1- 10, 12-14, 16-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Mattes (4,501,478).

Regarding claims 1 and 12, Mattes discloses an apparatus for allowing a viewer to assign content codes to scenes in an audiovisual program comprising:

a device for playing the program and provided with a scene indicator to identify a new scene (Fig 1, column 2, lines 54-68);

a content selector having a viewer input for generating a content code for a scene; and a memory for storing content codes associated with respective scenes (Abstract , column 6, lines 1-35).

Regarding claims 2 and 22 Mattes further teaches that the memory stores data relating to the beginnings and endings of scenes together with respective content codes.(column 6, lines 1-35)

Regarding claim 3, Mattes further teaches the apparatus of claim 2 further comprising a scene indicator that is activated when a new scene is played (column 6), lines 30-55).

Regarding claim 4 , Mates further teaches the apparatus of claim 3 wherein said scene indicator is deactivated after a content code for the scene is generated (column 6, lines 30-55).

Regarding claim 5, Mates further teaches . The apparatus of claim 3 further including a scene detector for automatically activating said scene indicator (column 6).

Regarding claim 6 and 16, Mattes further teaches the apparatus of claim 3 further including a manually operated switch for activating said scene indicator (column 6).

Regarding claim 7, Mattes further teaches the apparatus of claim 1 further comprising a scene indictor that is activated when a new scene is played (column 6).

Regarding claim 8, Mattes further teaches the apparatus of claim 7 wherein said scene indicator is deactivated after a content code for the scene is generated (column 6).

Regarding claim 9, Mattes further teaches the apparatus of claim 7 further including a scene detector for automatically activating said scene indicator (column 6).

Regarding claim 10, Mattes further teaches the apparatus of claim 7 further including a manually operated switch for activating said scene indicator (column 6).

Regarding claim 14, Mattes further teaches the scene indicator is deactivated when a content code is employed to the corresponding scene. (column 6).

Regarding claim 16, Mattes further teaches the scene detector includes a scene selector adapted to be activated by the viewer to indicate the starting point of said scene (column 6).

Regarding claim 19, Mattes further teaches the scene indicator is activated for a predetermined time (column 6).

Regarding claim 20, Mattes further teaches the scene detector is deactivated when a content code is assigned to the respective scene (column 6).

Regarding claim 23, Mattes further teaches the method of claim 21 further comprising detecting a new scene and providing an indication thereof (column 6).

Regarding claim 24, Mattes further teaches the method of claim 23 further comprising deactivating the indication of a new scene after a content code is obtained thereof (column 6).

Regarding claim 25, Mattes further teaches the method of claim 23 further comprising said detecting each new scene and automatically generating said scene indication after the new scene is detected (column 6).

Regarding claim 26, Mattes further teaches the method of claim 25 wherein new scenes are detected automatically by a scene detector (column 6) .

Regarding claim 27, Mattes further teaches the method of claim 25 wherein new scenes are determined by a viewer and new scene indicators are controlled by a manual switch operated by the viewer.

Regarding claim 28, Mattes further teaches the method of claim 21 further comprising generating a scene indication indicative of the beginning of each scene.

Regarding claim 29, Mattes further teaches the method of claim 28 further comprising deactivating said scene indication when a content code is assigned to the respective scene (column 6).

Regarding claim 30, Mattes further teaches the method of claim 28 further comprising deactivating said scene indication after a predetermined time (column 6).

Regarding claim 32, Mattes further teaches storing data related to the beginnings and endings of said scenes (column 6).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2616

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 3, 12 –13 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engle in view of Aotake (6,411,771).

Regarding claims 3, 12, and 23 , Engle teaches an apparatus for generating content codes for a program formed of a sequence of scenes comprising: a device adapted to play said program in sequence for on an audiovisual monitoring system;

a scene indicator (a display) that is activated at the beginning of a scene requiring a content code; and

a selector having an input to receive from a viewer a content code for an indicated scene (column 8 lines 29-68) .

Engle fails to teach scene detecting means for detecting a scene as being recited in claims 3,12 and 23 .

Aotake discloses an apparatus having a scene detecting means for detecting and indicating a scene change of a program (column 4, lines 30-60) , It would have been obvious to one of ordinary skill in the art to modify Engle with Aotake by providing the apparatus of Engle with a scene change detecting means as taught by Aotake to accurately identify a scene of the program.

Regarding claim 13, Engle as modified with Aotake further teaches that wherein said player is adapted to play one of a video tape, a DVD disk and a broadcast program (See Engle Fig. 1).

7. Claims 3, 12 –13, 16-19,23, 25-28 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shore in view of Aotake (6,411,771).

Regarding claims 3, 12 and 23 , Shore discloses an apparatus for generating content codes for a program formed of a sequence of scenes comprising:
a device adapted to play said program in sequence for on an audiovisual monitoring system;
a scene detector coupled to said player and adapted to detect a starting point for each of said scenes being played by said player;
a scene indicator that is activated at the beginning of a scene requiring a content code;
and

a selector having an input to receive from a viewer a content code for an indicated scene.

Shore fails to teach a scene detecting means for detecting a scene as being recited in claims 3,12 and 23 .

Aotake teaches an apparatus having a scene detecting means for detecting and indicating a scene change of a program (column 4, lines 30-60) , It would have been obvious to one of ordinary skill in the art to modify Shore with Aotake by providing the apparatus of Shore with a scene change detecting means as taught by Aotake to accurately identifying a scene of the program.

Regarding claim 5, Shore as modified with Aotake further teaches a scene detector for automatically activating said scene indicator (See Aotake column 4, lines 35-55).

Regarding claims 6 and 10, Shore as modified with Aotake further teaches the apparatus of claim 3 further including a manually operated switch for activating said scene indicator since the display or monitor of Shore and Aotake are controlled by a viewer..

Regarding claim 7, Shore as modified with Aotake further teaches the apparatus of claim 1 further comprising a scene indictor that is activated when a new scene is played (See Aotake column 4, lines 35-55).

Regarding claim 9, Shore as modified with Aotake further teaches the apparatus of claim 7 further including a scene detector for automatically activating said scene indicator (Aotake column 8, lines 35-55).

Regarding claim 13, Shore as modified with Aotake further teaches the apparatus of claim 12 wherein said player is adapted to play one of a video tape, a DVD disk and a broadcast program (See Shore column 3, lines 10-30).

Regarding claim 16, Shore as modified with Aotake teaches the scene detector includes a scene selector adapted to be activated by the viewer to indicate the starting point of said scene (See Aotake (column 4, lines 30-60)).

Regarding claim 17, Shore as modified with Aotake further teaches a controller adapted to determine if the viewer fails to provide said content code, said controller being adapted to generate in this case a default content code for said scene (See Aotake (column 34, lines 1-15)).

Regarding claim 18, Shore as modified with Aotake further teaches a timer indicating the time left before the end of the scene (See Shore column 8, lines 5-15, Aotake column 28, lines 53-60).

Regarding claim 19, Shore as modified with Aotake further teaches said scene indicator is activated for a predetermined time (See Aotake (column 4, lines 35-55)).

Regarding claim 25, Shore as modified with Aotake further teaches said detecting each new scene and automatically generating said scene indication after the new scene is detected (see Aotake, column 4 lines 31-56 Fig. 7).

Regarding claim 26, Shore as modified with Aotake further teaches new scenes are detected automatically by a scene detector (Aotake , column 4, lines 31-56)

Regarding claim 27, Shore as modified with Aotake further teaches new scenes are determined by a viewer and new scene indicators are controlled by a manual switch operated by the viewer (Aotake column 4 lines 32-55).

Regarding claim 28, Shore as modified with Aotake further teaches a scene indication indicative of the beginning of each scene (See Aotake, column 4,lines 30-55).

Regarding claim 31, Shore as modified with Aotake further teaches a timer indicating the time left to the end of the scene (See Shore column 8, lines 1-13).

8. Claims 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shore in view of Aotake (6,411,771) as applied to claim 12 above further in view of Koga et al (4,931,879).

Shore as modified with Koga fails to teach using ID for identifying a scene

Koga teaches using an ID for identifying a scene (column 18, lines 53-57).

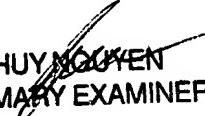
It would have been obvious to one of ordinary skill in the art to modify Shore as modified with Aotake wit Koga by providing each scene of the program of Shore an ID for identifying a scene of the program thereby accurately access the scenes of the program when needed .

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N


HUY NGUYEN
PRIMARY EXAMINER